



City of Seattle

Gregory Nickels, Mayor
Department of Planning and Development
D. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2306704

Applicant Name: Omanda Oberg of Freiheit & Ho Architects for Demetry Vyzis

Address of Proposal: 14330 Lake City Way NE

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a 2,863 sq. ft. one story commercial structure with a drive through lane and twelve (12) surface parking spaces to be provided on site. The project site is located in a mapped 40% Steep Slope-Environmentally Critical Area (ECA).

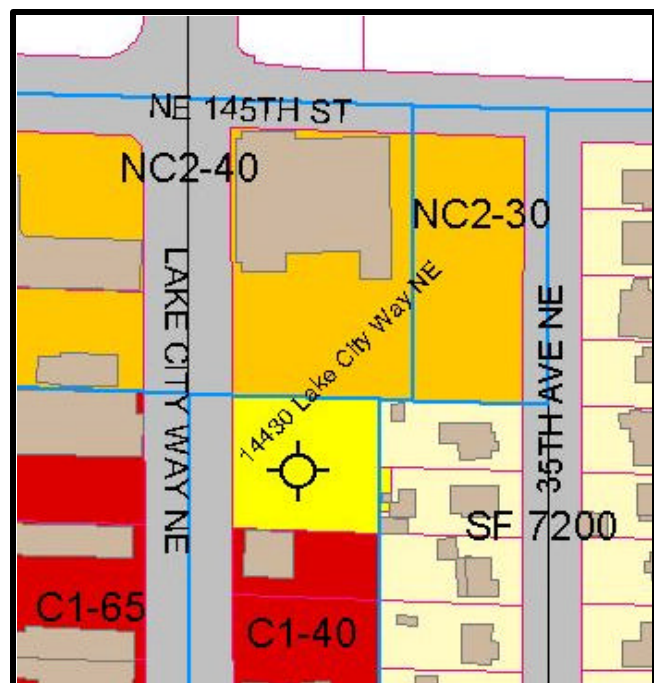
The following Master Use Permit components are required:

- **Design Review** – Seattle Municipal Code (SMC) Section 23.41
- **SEPA** - Environmental Determination (Seattle Municipal Code Chapter 25.05)

BACKGROUND INFORMATION:

The proposed project is zoned Commercial 1 (C1-40) with a 40-foot height limit and is located between Lake City Way NE and 35th Ave NE just south of NE 145th St. Presently, the project site has a Walgreens on the northwest corner with paved surface parking. The applicant proposes a one-story commercial structure with two proposed commercial spaces totaling approximately 2,900 sq. ft. with surface parking for 12 vehicles provided on site.

The project is unique in that a project of this threshold would normally not trigger Design



Review as the total square foot is less than 12,000 sq. ft. The MUP No. 9405469, for the Walgreens development included the subject parcel in its development site and showed plans to construct a future separate commercial building at the southwest corner. This MUP was conditioned to have this future building go through the Design Review process.

AREA DEVELOPMENT

The site is an interior lot, with approximately 122-feet of street frontage on Lake City Way NE. The adjacent site to the south is also zoned C1-40. Immediately to the west there are several small one story commercial businesses of similar scale. Neighboring sites are also commercial with a newly constructed Walgreens to the north and a one story brick commercial abutting the south property line.

Area development is defined by a limited number of buildings in the vicinity. For example, the Parkside Apartment buildings, located southwest of the site, across Lake City Way NE, were originally built in 2003. The two structures are 5-stories tall and constructed predominately of synthetic siding with varying color accents to break up the mass of the generally rectangular structures.

Immediately north of the subject site is the 1-story Walgreens building which is of significance to the intersection of NE 145th St and Lake City Way NE. The façade of the building consists of brick base with stucco finish above and a flat roof. The structure has weather protection around the pedestrian entrance at the southwest corner of the structure but it doesn't extend around the entire structure.

Just west of the retail building there are some 1-story commercial buildings that have a variety of uses such as auto repair and appliance retail. These structures are not of architectural significance to the area.

Directly east of the subject site is a single-family zone that is raised approximately 20' in elevation from Lake City Way NE. There are many small scales one and two-story single family homes in the area, consistent with the zoning. As a result of the previous MUP #9405469, trees were planted in the hill side which gives a natural barrier separation between the single-family and subject commercial zone.

PUBLIC COMMENT:

DPD received one letter and one phone call concerning the project during the comment period. The letter had no written comments regarding the project, but will be a party of record. The phone call received regarded the project proposal and general information, no comments were given.

BOARD DELIBERATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, the Design Review Board members provided the siting and design guidance described below. The Land Use Planner identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project.

STAFF COMMENTS

It was discovered after the early design guidance meeting that there was previous guidance given in MUP No. 9405469 related to bringing the proposed structure to the street to create a more urban, pedestrian streetscape at this northeast gateway to the City of Seattle. The applicant asserted at the early design guidance meeting that the placement of the building near the street was infeasible due to the location of an underground water detention vault that was constructed as part of the Walgreens development. Further information is needed at this time to determine the feasibility of locating the building along the street. The previous related guideline below is from the Walgreens design guidance:

- The Board expressed concern over encouraging pedestrian interest and activity along Lake City Way. They specifically recommended that store windows or other types of façade transparency be provided along this street in the northern building (Walgreens), with particular emphasis to this issue in the smaller, southern building (subject building).

The proponents submitted several alternate site plans showing the building at various locations and included pros and cons for each. The original civil engineered drawings of the detention vault constructed when the Walgreens was built were also produced. The Board voted unanimously that the applicant's preferred location of the building was consistent with the site characteristics based on the nature of the proposed drive through use, the location of the existing detention vault and the pedestrian unfriendliness along Lake City Way NE (a State Highway). The board was in support the location of the building. The transparency guidance along the street from the original Design Review of Walgreens is addressed in section C-4 below.

DESIGN GUIDELINES

A Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities.

A-4 Human Activity

New development should be sited and designated to encourage human activity on the street.

A-5 Respect for Adjacent sites

Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The guidelines above were identified by the Board to be of high priority. Please note that many of the design guidelines given during the Walgreens Design Review process (MUP No. 9405469) still apply.

- In contemplating the human activity the Board feels that the outdoor pedestrian plaza space should be “more private and protected from the street.” Specific recommendations were to use pavers and colored pavement and implement architectural detailing to accentuate the pedestrian space. The use of landscaping or planters should add to the private creation of more character and protected aspect of the proposed public space.

The proponent revised the design of the plaza space using raised brick planters around the plaza area to provide a safe clearly delineated space. The proposed Lavender and Blue Tit Rhododendron in the planters and diamond detail paving will provide for further character and greenery for the public space. The board supported the new design of the plaza space but advised that the pedestrian aspect of the development should be the top priority.

- Respect for the adjacent sites was addressed by the Board relating to the proposed drive through lane which is proposed to along the south property line. The board recommended the screening of the parcel to the south with a trellis like structure and landscaping. The screening should help create more privacy for the parcel to the south in that the proposed drive through will have cars traveling very close to the open area to the east of the abutting structure’s property line. The Board recommended adding a structure that would overhang the vehicles in the drive through from the end of the neighboring (southern) structure façade then east through the curving area of the of the drive at the southeast corner of the proposed building.

*The applicant explored the option of using an overhanging trellis but ultimately proposed heavy landscaping along the southern property line in order to provide more privacy to and from the parcel to the south. The proposed landscaping along the southern property line includes some low level plantings ranging from 21”-48” minimum heights and three (3) Red Oak trees (*Quercus Rubra*). The original guideline for the trellis structure was to mitigate views to and from the rear portion of the adjacent southern lot; the proposed landscaping is responsive to this guideline. The proponents asserted that a trellis structure would hinder collection trucks from accessing the waste containers. The board was in support of the newly proposed landscaping as it met the guidance.*

- The pedestrian paths to and from the commercial space should be clearly delineated to vehicle users of the site either with colored pavement and landscaping. It is assumed that pedestrian

customers will be a large user group for the development. Further, the proposed drive through lane should be clearly delineated with a delineated path to avoid confusion and to avoid queuing spaces trailing into parking areas.

The applicant proposed a delineated five (5) foot wide pedestrian access from the sidewalk off of Lake City Way NE using stamped concrete. The access leads directly to the entrance(s) of the building and plaza space. The proponent did not address the delineation of the drive through lane in relation to parking areas and vehicles accessing off of Lake City Way NE. As a result proper conditioning is warranted.

C Architectural Elements and Materials

C-2 Architectural Concept and Consistency

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

C-3 Human Scale

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

- The Board had strong recommendations about window treatments for the street facing façade. The applicant should explore the use of roll up or folding (accordion) windows in order to create a more open inviting community façade and outdoor area.

The applicant proposed sliding glass doors from both commercial spaces into the plaza area along with complimenting columns with brick bases along the street front facade. These elements were well liked by the board and responded well to the design guidance and are elements found on the adjacent structures.

- The board recommended adding vertical columns to break up the mostly glass façade proposed. Taking cues from the structures on either side, brick columns should also be added to better connect with the structures on either side, which have a significant amount of exterior brick finishing work.

The columns were integrated into the response and brick was used at the base of the columns to engage the surrounding buildings on either side and bring some continuity between them. The board supported the column use and brick integration as the mostly

glass facade initially proposed was divided up creating a more human scale and pattern along the front facade.

- The proponent should create concept(s) for an architecturally pleasing intersection of the two sectors of the building. The board wants the design to create a pleasing building intersection at the joint of the “L” façade intersection by showing designs that explores a different color of roof band/parapet, a curved building intersection and most importantly a rooftop feature that celebrates the meeting point of the structure’s two legs.

The proponent responded by producing one (1) design of a false wall/parapet which extends approximately six (6) feet above the parapet that wraps the building. The board was in favor of the feature as it broke up the mass of the two commercial spaces, although the feature was still undefined. Since the feature is somewhat undefined, proper conditioning is warranted pertaining to the detailing of the design feature.

- The proponent was asked by the board to produce new elevation drawings showing the revisited façade treatments and building intersection.

The applicant produced a color street front elevation showing a mix of light browns and sandy colors to accentuate the two spaces. The architectural feature or false parapet wall was shown in its own dark brown color which further delineates the two separate commercial spaces. The board had no specific recommendation for the false parapet detail, but supported its overall design. Conditioning is warranted in order to ensure final detailing is compatible with the proposed development and surrounding area.

- The board also commented on the potential visibility of mechanical equipment from the pedestrian and vehicular passers by. The proponent should show the schematic location of the mechanical equipment and how the parapet or roofline will properly screen the equipment from all vantage points.

The proponents addressed this issue by delineating the proposed mechanical equipment in the elevation drawings. The mechanical equipment will be well hidden from street and pedestrian view. The board recognized that the issue had been addressed.

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

D-7 Pedestrian Safety

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

- The pedestrian open space or outside seating area should be larger and architecturally pleasing, inviting to passers by and made private, shielded and screened from the street

*The proposed matching paving work from the street (pedestrian path) to the plaza space provides for a more inviting plaza to passers by. The board supported the overall design of the pedestrian access and plaza space. Also see above, bullet one of section A **Site Planning**.*

- Pedestrian safety is a major concern as Lake City Way NE is a State Highway. Designated pedestrian paths should be created to the street and through the parking areas (see A-8 and related guidance).

*See above, bullet one of section D-7 **Pedestrian Environment**.*

- The Board also had strong comments related to the visibility and related safety of the area east of the proposed structure (drive through area, see graphic on page 8). The Board recommended that lighting should be located on the east side of the drive through area and that the lighting be directed west toward the proposed structure and away from the single family zoned lots to the east.

The applicant proposed lighting to be mounted in three (3) locations on the rear of building. Lighting will be at the beginning of the drive on the SW corner of building, at the SE corner of the building where cars begin facing north in the drive through lane, and finally at the NE corner of the building at the drive through pick up window. The board was in support of the lighting as long as it would not affect the Single Family zone to the east. As the grade changes from the site to the abutting Single Family zone by approximately 25'-30', this will not be an issue. The lighting used is residential in character, will be directed towards the ground and will sit approximately 10' high on the façade of the structure.

E **Landscaping**

E-2 ***Landscaping to Enhance the Building and/or Site***

Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

- Landscaping should be used to accentuate and make protected the proposed pedestrian outdoor seating area (see A-4 and related guidance).

*See above, bullet one of section D-7 **Pedestrian Environment**.*

DEPARTURES FROM DEVELOPMENT STANDARDS

No departures were required or requested for the proposal.

DESIGN REVIEW SUMMARY

Architect's Presentations:

During the Early Design Guidance meeting on February 2nd 2004, the architect presented three project site plans, massing diagrams, building location and elevations drawings. The diagrams represented the neighborhood context and future massing conditions based on zoning. The applicant's preferred design is summarized by the building being setback from the street approximately 25' from the west property line, parking located between the structure and the street, with the drive through location proposed along the rear of the building. The architect also explained that the site had constraints due to the location of a large underground drain water retention vault which narrows the options for the location of the proposed building. An important goal is to create a commercial space that is appealing to pedestrian activity and at the same time is conducive to the proposed drive through function for the proposed Starbucks store.

In response to the Early Design Guidance submitted by the applicant, early design guidance notes were presented to the proponents on February 18th 2004. The key issues of the design notes included siting of the building in relation to the street, pedestrian and plaza safety, delineated vehicle travel for the drive through, using strong finish materials, and creating a pleasing intersection of the "L" shaped building.

During the Recommendation meeting on May 17th 2004, the proponent presented responses to the design guidance notes. The response(s) included a more pedestrian friendly plaza space, a defined pedestrian access from the street, redefined storefront windows and doors, reasoning and background for proposed building location, revised detailing of the vehicle drive through (trellis and landscaping), a substantial architectural feature merging the two masses of the building and lighting along the store front and the drive through area in the rear.

The Master Use Permit plans were submitted for review on April 28th 2004. The design of the structure maintained the building location initially proposed. The proponent included a colored street elevation showing a revised plaza, the proposed architectural feature at the merging the two masses of the building, the revised store front windows and sliding doors, the proposed color scheme and finished materials. Overall the response showed good incorporation of the design guidance and successfully addressed the main issue of building location with respect to the street and site characteristics.

Board Direction and Recommendations:

After visiting the site, considering the public comment, reviewing the information provided by the applicant, contemplating the Design Review Board's comments, analyzing the surrounding development and related zoning implications of the proposed structure, the Board recommends **approval** of the proposed **design**, noting the following comments and recommendations. The recommendations below are a product of issues that were addressed in the early design guidance notes and not satisfactorily reflected in the MUP plan submittal.

The submitted MUP plan did not fully address all issues communicated in the early design guidance notes. Further information and detail is needed that addresses the proposed building intersection architectural feature.

Final Design Review Board Recommendations:

The Northeast Design Review board supports the overall design and location of the structure, specifically the current design for the street front with sliding glass doors, vertical columns and brick wainscot column base. Additional information should be shown on the updated MUP plans and the construction plans: further detail of the proposed architectural feature and a colored materials board. The board also recommends that the following measures be taken to further improve the design:

1. Submit concept(s) for the architectural feature at the point of building mass intersection
2. Submit a tangible color scheme to the Department for approval that compliments the natural features in the area.
3. Include asphalt striping detail for proposed drive through delineation.

Departures:

No departures were required or requested.

ANALYSIS - SEPA

The proposal site is located in a 40% Steep Slope Environmentally Critical Area and pursuant to Seattle Municipal Code 25.05.908-C1 the proposed construction is not exempt from SEPA review. The proposal exceeds the exemptible type of development in a 40% Steep Slope environmentally critical area. The proposal is well below the allowable square foot coverage threshold of 12,000 sq. ft., but the type of development proposed is beyond the threshold allowed for categorical exemption from SEPA requirements. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (prepared February 25th, 2004), and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Some short-term adverse impacts are anticipated from the proposal.

The SEPA Environmentally Critical Areas Policy (SMC 25.05.908) provides a listing of categorically exempt activities in certain environmentally critical areas as mapped and regulated in SMC 25.09, Regulations for Environmentally Critical Areas. These ECAs are subject to additional environmental review to determine impacts and, if warranted, to provide further mitigation beyond the development standards required by all City codes. Thus, a more detailed discussion of some of the impacts is appropriate.

Short - Term Impacts

The following temporary impacts are expected: 1) temporary soil erosion; and 2) loss of soil stability. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general); 2) Stormwater, Grading, and Drainage Control Code (temporary soil erosion); and 3) Geo-technical review (soils engineering). Compliance with these applicable codes, recommendations of the geotechnical engineering report and ordinances will be adequate to achieve sufficient current and long term mitigation; imposing specific conditions is not necessary for these impacts. However, the proposal site is located in a Steep Slope 40% Environmentally Critical Area.

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. An amended geo-technical evaluation was prepared on January 8th, 2004, which found that “the site is compatible with the proposed new development from a geotechnical perspective.” The original geotechnical report was prepared in 1995

and was amended "...with respect to soil parameters affecting foundations including bearing pressure, allowable coefficient of friction, etc." The original geotechnical and the amendment report is located in the project file

Long - Term Impacts

There are no significant long-term impacts to the ECA resulting from the proposed structure and construction. No conditioning is warranted per SEPA policies.

Summary

City codes and ordinances adequately regulate and provide extensive conditioning authority to mitigate the potential impacts to earth as identified in the foregoing analysis. There are no significant long-term impacts anticipated to affect the ECA.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

None.

CONDITIONS – DESIGN REVIEW

Non-Appealable Conditions

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lucas DeHerrera, 615-0724). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Lucas DeHerrera, 615-0724), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. Embed the 11 x 17 colored west elevation drawing from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed this colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

The owner applicant/responsible party shall:

Prior to Issuance of Master Use Permit

1. Submit concept(s) for approval to the Department for the architectural feature (false wall/parapet) that projects from the intersection of the two masses of the structure.
2. Include asphalt striping detail for proposed drive through delineation.

Prior to Issuance of Building Permit

3. Submit a tangible color scheme to the Department for approval that compliments the adjacent buildings on either side. Include drawings displaying the layout of the proposed colors along with true color samples.

Signature: _____ Date: August 5, 2004

Lucas DeHerrera, Land Use Planner
Department of Planning and Development

Land Use Review and Inspection Center

LD:bg

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